

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DAMIEN ROBINS,

Petitioner,

v.

WILLIAM GITTERE, et al.,

Respondents.

Case No. 3:24-cv-00086-LRH-CLB

ORDER

Petitioner has submitted an application to proceed *in forma pauperis* and a habeas petition. ECF No. 1. The matter has not been properly commenced because the pauper application does not include all required attachments. Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, a petitioner must attach both an inmate account statement for the past six months and a *properly executed* financial certificate. Because petitioner did not attach either document, his application is incomplete.

Further, petitioner has submitted his petition on the form used to file a civil rights action, even though he appears to be challenging his state custody under a state court judgment of conviction. If petitioner does, in fact, wish to challenge his state court conviction, he is required to complete a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on the court-approved form. See Local Rule, LSR 3-1 (requiring habeas petitioners appearing pro se to file petitions on the court's approved form).

Due to these defects, the application for leave to proceed *in forma pauperis* will be denied, and the present action will be dismissed without prejudice to the filing of a new petition in a new action with a pauper application on the proper form with all required attachments.

1 IT THEREFORE IS ORDERED that the application to proceed *in forma pauperis*  
2 (ECF No. 1) is DENIED. This action is DISMISSED without prejudice to the filing of a  
3 **new** petition in a **new** action with a properly completed pauper application. The Clerk of  
4 Court shall enter judgment accordingly and close this case.

5 IT FURTHER IS ORDERED that a certificate of appealability is DENIED, as jurists  
6 of reason would not find the court's dismissal of this improperly commenced action  
7 without prejudice to be debatable or incorrect.

8 IT FURTHER IS ORDERED that the Clerk shall send petitioner two copies each  
9 of an application form to proceed *in forma pauperis* for incarcerated persons and a  
10 noncapital Section 2254 habeas petition form, one copy of the instructions for each form,  
11 and a copy of the papers that he submitted in this action.

12 IT IS SO ORDERED.

13 DATED THIS 23<sup>rd</sup> day of February, 2024.

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16 LARRY R. HICKS  
17 UNITED STATES DISTRICT JUDGE  
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